

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-17 in the application. In the first Examiner's Office Action, the Examiner has indicated that original dependent Claims 6 and 16 include allowable subject matter. More specifically, the Examiner has indicated that the cited prior art does not teach background sound selected from the group consisting of music, white noise, colored noise, out-of-phase ambient noise and simulated alternative ambient noise.

In order to expedite issuance of the application, the Applicants have amended independent Claims 1 and 11 with allowable subject matter. Additionally, the Applicants have canceled Claims 6 and 16 without prejudice or disclaimer. Accordingly, Claims 1-5, 7-15 and 17 are currently pending in the application.

I. Rejection of Claims 1-5, 7-9 and 11-15 under 35 U.S.C. §102

The Examiner rejected Claims 1-5, 7-9 and 11-15 under 35 U.S.C. §102(b) as being anticipated by U.K. Patent Application Publication No. 2,365,241 by Westlake. Independent Claims 1 and 11, however, have been amended with allowable subject matter. As such, Claims 1 and 11 and Claims dependent thereon are in condition for allowance. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-5, 7-9 and 11-15 and allow issuance thereof.

II. Rejection of Claims 10 and 17 under 35 U.S.C. §103

The Examiner has rejected Claims 10 and 17 under 35 U.S.C. §103(a) as being unpatentable over Westlake in view of U.S. Patent No. 5,802,109 to Sano. As stated above, independent Claims 1 and 11 have been amended with allowable subject matter to place these Claims in condition for allowance. As such, Claims 10 and 17 which depend thereon, respectively, are also in condition for allowance. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103 rejection with respect to Claims 10 and 17 and allow issuance thereof.


III. Conclusion

In view of the foregoing amendment and remarks, the Applicants submit that all of the Claims currently pending in this application are in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-5, 7-15 and 17.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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